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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Essex Music, Inc.; Sony/ATV Harmony;
Panther Music Corp.; WB Music Corp.;
Chappell & Co., Inc.,

Plaintiffs/Judgment Creditors,

vs.

Sonora Claremont, Inc.; Roberto Flores,

Defendants/Judgment Debtors.

American Express Travel Related
Services, Inc.,

Garnishee.

No. MC 11-00081-PHX-JAT

**JUDGMENT
ON WRIT OF GARNISHMENT**

Pending before the Court is Plaintiffs' Motion for Garnishment Judgment (Doc. 17).

The Court now rules on the Motion.

I. BACKGROUND

On January 29, 2009, Judgment was entered against Defendants Sonora Claremont, Inc. and Roberto Flores ("Judgment Debtors"), in favor of Plaintiffs Essex Music, Inc., Sony/ATV Harmony, Panther Music Corp., WB Music Corp., and Chappell & Co., Inc. ("Judgment Creditors"), in the amount of \$15,000 in statutory damages, \$2,997.50 in attorneys' fees, and post-judgment interest as provided by law "from the date of entry of judgment until the date the judgment is paid in full." (Doc. 1).

1 On February 14, 2012, Judgment Creditors requested a writ of garnishment against
2 Garnishee American Express Travel Related Services, Inc. (“AmEx”) (Doc. 17). In its
3 Answer, AmEx indicated that, at the time the writ was served, it was in possession of
4 \$251.99 in monies of Judgment Debtors. (Doc. 17-1 at ¶ IV). Copies of the Writ and
5 Summons, underlying Judgment, Notice to Judgment Debtors, Requests for Hearing, and
6 AmEx’s Answer were attached to the Judgment Creditors’ Motion for Garnishment and
7 mailed to Judgment Debtors on February 14, 2012 (Doc. 17 at 2).

8 II. LEGAL STANDARD

9 Process to enforce a judgment for the payment of money is a writ of execution, unless
10 the court directs otherwise. FED. R. CIV. P. 69(a)(1). Generally, a federal writ of execution
11 “must accord with the procedure of the state where the court is located.” *Id.* Arizona’s
12 statutory scheme regarding garnishment of monies or property is located at Arizona Revised
13 Statutes (“A.R.S.”) sections 1570-1597.

14 “A party who has an objection to the writ of garnishment, the answer of the garnishee
15 or the amount held by the garnishee or a party claiming an exemption for garnishment may,
16 not later than ten days after the receipt of the answer, file a written objection and request for
17 hearing.” ARIZ. REV. STAT. ANN. § 12-1580(A) (2011). “[I]f the answer shows that the
18 garnishee was indebted to the judgment debtor at the time of service of the writ, and no
19 objection to the writ or answer is timely filed, on application by the judgment creditor the
20 court shall enter judgment on the writ against garnishee for the amount of the nonexempt
21 monies of the judgment debtor owed or held by the garnishee at the time of the service of the
22 writ.” *Id.* at § 12-1584(A). Under Arizona’s garnishment statute, a presumption exists “that
23 a document has been received five days after it is mailed.” *Id.* at § 12-597(A).

24 III. ANALYSIS

25 Judgment Creditors have properly complied with Arizona’s garnishment statutes
26 regarding the Writ of Garnishment of nonearnings. Judgment Debtors presumptively
27 received notice of the Writ of Garnishment and the Motion for Garnishment Judgment.
28 Judgment Debtors have not filed an objection to the writ or garnishment or the Motion for

1 Garnishment Judgment. AmEx has not requested a reimbursement fee for its costs incurred
2 in preparing its answer.

3 **IV. CONCLUSION**

4 Based on the foregoing,

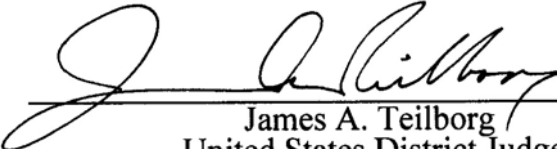
5 **IT IS ORDERED** that Judgment Creditor's Motion to Expedite Entry of Judgment
6 (Doc. 26) is granted.

7 **IT IS FURTHER ORDERED** that Judgment Creditors' Motion for Garnishment
8 Judgment (Doc. 17) is granted.

9 Judgment Creditors Essex Music, Inc, Sony/ATV Harmony, Panther Music Corp.,
10 WB Music Corp., and Chappell & Co., Inc. shall have judgment against Garnishee American
11 Express Travel Related Services, Inc. from the amount disclosed in American Express Travel
12 Related Services, Inc.'s Answer in Garnishment as to Judgment Debtors Sonora Claremont,
13 Inc. and Roberto Flores in the amount of \$251.99.

14 American Express Travel Related Services, Inc. shall remit the sum of \$251.99 to
15 Judgment Creditors through their attorney, Peter J. Rathwell, Snell & Wilmer L.L.P., One
16 Arizona Center, 400 East Van Buren, Phoenix, Arizona 85004-2202.

17 DATED this 10th day of April, 2012.

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21 James A. Teilborg
22 United States District Judge
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